

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

**J.W., A MINOR, BY AND THROUGH AMANDA WILLIAMS
AS GUARDIAN AND NEXT FRIEND,**

PLAINTIFFS

V.

CIVIL ACTION NO. 3:21-CV-00663-CWR-LGI

**THE CITY OF JACKSON, MISSISSIPPI; CHOKWE A.
LUMUMBA JR.; TONY YARBER; KISHIA POWELL;
ROBERT MILLER; JARRIOT SMASH; THE MISSISSIPPI
STATE DEPARTMENT OF HEALTH; JIM CRAIG; TRILOGY
ENGINEERING SERVICES LLC; AND JOHN DOES 1-40**

DEFENDANTS

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ANSWER
OR OTHER RESPONSIVE PLEADING**

Defendants City of Jackson, Mayor Chokwe A. Lumumba Jr., Tony Yarber, Kishia Powell, Robert Miller, and Jerriot Smash (incorrectly captioned as “Jarriot Smash”), through counsel, respectfully request the Court extend Defendants’ deadline to respond to the Original Complaint [Doc. 1]. This request for relief is not opposed by any party. In support thereof, Defendants state:

1. By agreement of the Parties, and upon the order of the Court, Defendants’ deadline to file a response to Plaintiff’s Original Complaint [Doc. 1] is January 12, 2022.

2. On January 6, 2022, Plaintiff’s counsel informed Defendants’ counsel of Plaintiff’s intention to file an amended pleading, inquiring as to whether Defendants would oppose the request.

3. By January 10, 2022, all Defendants had stated they would not oppose Plaintiff seeking leave to amend. Defendants did so, provided Plaintiff agreed that (1) Defendants would not have to respond to the Original Complaint [Doc. 1]; (2) Defendants’ decision not to oppose the Motion for Leave to Amend does not constitute a waiver of any defense to Plaintiff’s future averments and claims; and (3) if allowed, Defendants’ deadline to respond to the amended

pleading, which Defendants have not seen, would be twenty-one (21) days after Plaintiff files the amended pleading.

4. All Parties have agreed to those terms.

5. In light thereof, (a) Plaintiff will file an amended complaint on or before February 15, 2022; (b) Defendants, without waiving any claims or defenses, will not oppose Plaintiff's request for leave to file an amended complaint; (c) upon Plaintiff filing the amended complaint, Defendants will have twenty-one (21) days to answer or otherwise respond; and (d) Defendants are not required to respond to the Original Complaint [Doc. 1] unless this Court disallows Plaintiffs' amended complaint, in which case Defendants will have twenty-one (21) days from any such ruling to answer or otherwise respond to the Original Complaint [Doc. 1].

WHEREFORE, Defendants City of Jackson, Mayor Chokwe A. Lumumba Jr., Tony Yarber, Kishia Powell, Robert Miller, and Jerriot Smash respectfully request that in the event this Court disallows Plaintiff's request for leave to file an amended complaint, Defendants will have twenty-one (21) days from any such ruling to answer or otherwise respond to the Original Complaint [Doc. 1].

This, the 12th day of January, 2022.

Respectfully submitted,

**CITY OF JACKSON, MAYOR CHOKWE A.
LUMUMBA JR., TONY YARBER, KISHIA
POWELL, ROBERT MILLER, AND JERRIOT
SMASH**

By: 

CATORIA MARTIN

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CERTIFICATE OF SERVICE

I hereby certify that I have this date filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

Dated: January 12, 2022.


CATORIA MARTIN